

REMARKS

Claims 1, 2, 4 and 5 are now pending.

Prosecution is reopened after a favorable opinion by the Board of Appeals. The Office states that Wolffe, Sr. 4,688,376 is a newly discovered reference. This is incorrect. This reference was cited in an Information Disclosure Statement filed August 30, 2001.

Claim 1 now has the same scope as claim 3 prior to the previous amendment.

Claim 3 was rejected in an action mailed August 15, 2002 as being obvious in light of Smith, Kalmer and Wolfe. This rejection was later vacated by the Office.

Claim 3 was one again rejected in an action mailed August 6, 2003 as being obvious in light of Smith Duda and Wolfe. This rejection was later vacated by the Office.

Throughout the prosecution the Office has relied on various references interchangeably to teach the lower grip. Initially, Wolfe was cited followed by Savell (action mailed 1/19/02), back to Wolfe (action mailed 8/6/03), back to Savell (action mailed 2/2/04) then to Yamada (action mailed 7/26/04) and then back to Wolfe for the instant action. In each case the reference was cited as teaching the lower handle. These references are redundant and the relevance has been addressed by the Board of Appeals.

During the Appeal the Office relied on Yamada instead of Wolfe. Both references teach a lower handle on a device which is intended to be fully supported by the operator. The Board of Appeals reversed the rejection of the Office based on this understanding. Now a redundant rejection is presented in an obvious disregard for the position of the Board of Appeals.

Applicants respectfully request a notice of allowance in compliance with the determination of the Board of Appeals.

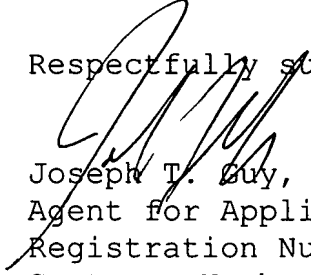
The rejection of claims 1, 2, 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Winslow 2,038,697 in view of Moore 4,107,901 and Wolfe, Sr. 4,688,376 is improper due to the fact that one of skill in the art would not have been inclined to add a lower grip on the handle of Winslow in the absence of hindsight impermissibly gleaned from applicants disclosure.

CONCLUSIONS

Claims 1, 2, 4 and 5 are now pending.

Claims 1, 2, 4 and 5 are now believed to be in condition for allowance for the reasons set forth herein and the reasons set forth by the Board of Appeals.

Respectfully submitted,


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September 14, 2007